

# **EXHIBIT 10**

**Messinger, Kate**

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**From:** Garcia, Grace  
**Sent:** Monday, November 26, 2018 1:55 PM  
**To:** 'Marc Alpert'  
**Cc:** Messinger, Kate  
**Subject:** RE: Kashper=Enterprise

Marc,

I won't get into a back and forth with you regarding the below as I have already stated my position and my representation.

As for the Settlement Agreement, I am confused about the issue. The Release I sent you specifically stated that it was only to Release the claims in the Federal case against Enterprise. I am not sure what your issue is with the Release I prepared. Again, given your refusal to inform the Court of the settlement, I will need to do the Motion to Enforce.

Grace

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**Grace V. Garcia**

Partner

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**From:** Marc Alpert [mailto:[marcalpert2015@gmail.com](mailto:marcalpert2015@gmail.com)]  
**Sent:** Monday, November 26, 2018 1:22 PM  
**To:** Garcia, Grace <[GGarcia@morrisonmahoney.com](mailto:GGarcia@morrisonmahoney.com)>  
**Subject:** Re: Kashper=Enterprise

**\*\*External Email\*\***

I do not believe that and never will. You also claimed not to know who sold the Toyota Tacoma. You also claimed your firm did not represent Borrego, You sent a proposed release that released all these other claims. A simple basic release that limited itself to simply releasing the two Enterprise defendants from all claims in the Federal case and from vicarious type liability for those claims will suffice. There is no need to name or reference these other claims if the release does not include about everyone and everything.==Marc Alpert

On Mon, Nov 26, 2018 at 1:13 PM Garcia, Grace <[GGarcia@morrisonmahoney.com](mailto:GGarcia@morrisonmahoney.com)> wrote:

Marc,

As your email below confirms, we have settled the claims in this Federal Court case against Enterprise. I am perplexed why the Notice of Settlement is unacceptable to you when that simply informs the Court our settlement of these claims. The Settlement Agreement that you edited, you added issues that are not part of this case. As I have told you multiple times previously, I am not counsel for the lien holder and don't represent them. To that extent, please contact their counsel to discuss the issues you have with them, not me.

Unfortunately, as we can't come to an agreement, and you have settled the claims in this Federal Court case against Enterprise, we will now need to do a motion to enforce the settlement.

Sincerely,

Grace

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**Grace V. Garcia**  
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**From:** Marc Alpert [<mailto:marcalpert2015@gmail.com>]  
**Sent:** Monday, November 26, 2018 12:53 PM  
**To:** Garcia, Grace <[GGarcia@morrisonmahoney.com](mailto:GGarcia@morrisonmahoney.com)>  
**Subject:** Re: Kashper=Enterprise

**\*\*External Email\*\***

Problem is release you want is unacceptable. Kashper will release as agreed the Enterprise defendants from anything related to product defect and also release any one with respect to product defect for whom the Enterprise defendants might be liable or responsible for.

The other problem is can not settle without the lien being resolved. Morrison Mahoney will not contact lien holder and take care of this, and will not authorize me to contact the lien holder and do it.

This morning the client has authorized me to send a more detailed letter on this that she had already approved. I will either have it delivered or sent encrypted to you later today.--Marc Alpert

On Mon, Nov 26, 2018 at 8:46 AM Garcia, Grace <[GGarcia@morrisonmahoney.com](mailto:GGarcia@morrisonmahoney.com)> wrote:

Marc

I just left you a voice mail message. Given the SJ hearing scheduled this week, as well as our settlement, we need to file the Notice of Settlement, which we have asked to be filed for a week and a half. If we don't hear from you today by noon, we will be forced to file a Motion to Enforce the Settlement. Please let us know if we can file the attached Notice of Settlement this morning. If you would like to talk about this, feel free to call myself or Kate Messinger at 617-439-7506.

Grace

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**Grace V.B. Garcia**  
Partner

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**From:** Garcia, Grace  
**Sent:** Wednesday, November 21, 2018 1:27 PM  
**To:** 'Marc Alpert' <[marcalpert2015@gmail.com](mailto:marcalpert2015@gmail.com)>  
**Cc:** Messinger, Kate <[KMessinger@morrisonmahoney.com](mailto:KMessinger@morrisonmahoney.com)>  
**Subject:** RE: Kashper=Enterprise

Marc,

As you did not red-line your changes, we were forced to compare both agreements. We have put in yellow the areas that we believe you added. We then red-lined our changes to those.

Please let me know if the red-line changes are agreeable. Also, can we file the attached Notice of Settlement with the Court today?

Sincerely,  
Grace

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**Grace V. Garcia**  
Partner

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**From:** Marc Alpert [<mailto:marcalpert2015@gmail.com>]  
**Sent:** Wednesday, November 21, 2018 11:21 AM  
**To:** Garcia, Grace <[GGarcia@morrisonmahoney.com](mailto:GGarcia@morrisonmahoney.com)>  
**Subject:** Kashper=Enterprise

**\*\*External Email\*\***

Kashper revisions or changes to release, attached.-Marc Alpert